

TRANSLATION**PATENT COOPERATION TREATY****PCT****INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY**
(Chapter II of the Patent Cooperation Treaty)

(PCT Article 36 and Rule 70)

Applicant's or agent's file reference 128575 a/ubr	FOR FURTHER ACTION	See Form PCT/IPEA/416
International application No. PCT/EP2008/056894	International filing date (day/month/year) 04.06.2008	Priority date (day/month/year) 28.06.2007
International Patent Classification (IPC) or national classification and IPC B65D41/34		
Applicant AIRSEC S.A.S.		

1. This report is the international preliminary examination report, established by this International Preliminary Examining Authority under Article 35 and transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of <u>4</u> sheets, including this cover sheet.
3. This report is also accompanied by ANNEXES, comprising: a. <input checked="" type="checkbox"/> (sent to the applicant and to the International Bureau) a total of <u>9</u> sheets, as follows: <input checked="" type="checkbox"/> sheets of the description, claims and/or drawings which have been amended and are the basis of this report and/or sheets containing rectifications authorized by this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions). <input type="checkbox"/> sheets which supersede earlier sheets, but which this Authority considers contain an amendment that goes beyond the disclosure in the international application as filed, as indicated in item 4 of Box No. I and the Supplemental Box. b. <input type="checkbox"/> (sent to the International Bureau only) a total of _____, containing a sequence listing and/or tables related thereto, in electronic form only, as indicated in the Supplemental Box Relating to Sequence Listing (see Section 802 of the Administrative Instructions).
4. This report contains indications relating to the following items: <input checked="" type="checkbox"/> Box No. I Basis of the report <input type="checkbox"/> Box No. II Priority <input type="checkbox"/> Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability <input type="checkbox"/> Box No. IV Lack of unity of invention <input checked="" type="checkbox"/> Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement <input type="checkbox"/> Box No. VI Certain documents cited <input checked="" type="checkbox"/> Box No. VII Certain defects in the international application <input type="checkbox"/> Box No. VIII Certain observations on the international application

Date of submission of the demand	Date of completion of this report
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

INTERNATIONAL PRELIMINARY REPORT ON PATENTABILITY

International application No.

PCT/EP2008/056894

Box No. I

Basis of the report

1. With regard to the language, this report is based on:
- ☒ the international application in the language in which it was filed
- ☐ a translation of the international application into _____, which is the language of a translation furnished for the purposes of:
- ☐ international search (Rules 12.3(a) and 23.1(b))
- ☐ publication of the international application (Rule 12.4(a))
- ☐ international preliminary examination (Rule 55.2(a) and/or 55.3(a))
2. With regard to the elements of the international application, this report is based on *(replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report)*:
- ☐ the international application as originally filed/furnished
- ☒ the description:
- pages 1-3, 5-21 as originally filed/furnished
- pages* 4, 4a received by this Authority on 30.10.2008 with letter of 28.10.2008
- pages* _____ received by this Authority on _____
- ☒ the claims:
- nos. _____ as originally filed/furnished
- nos.* _____ as amended (together with any statement) under Article 19
- nos.* 2-18 received by this Authority on 31.08.2009 with letter of 31.08.2008
- nos.* 1 received by this Authority on 18.09.2009 with letter of 18.09.2009
- ☒ the drawings:
- sheets 1-3 as originally filed/furnished
- sheets* _____ received by this Authority on _____
- sheets* _____ received by this Authority on _____
- ☐ a sequence listing and/or any related table(s) – see Supplemental Box Relating to Sequence Listing.
3. ☐ The amendments have resulted in the cancellation of:
- ☐ the description, pages _____
- ☐ the claims, nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (specify): _____
- ☐ any table(s) related to sequence listing (specify): _____
4. ☐ This report has been established as if (some of) the amendments annexed to this report and listed below had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).
- ☐ the description, pages _____
- ☐ the claims, nos. _____
- ☐ the drawings, sheets/figs _____
- ☐ the sequence listing (specify): _____
- ☐ any table(s) related to sequence listing (specify): _____
5. ☐ This report has been established taking into account the rectification of an obvious mistake authorized by or notified to this Authority under Rule 91 (Rule 70.2(e)).
6. ☐ Supplementary international search report(s) from Authority(ies) _____ have been received and taken into account in drawing up this report (Rule 45bis.8(b) and (c)).
- * If item 4 applies, some or all of those sheets may be marked "superseded."

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Box No. V Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims <u>1-18</u>	YES
	Claims _____	NO
Inventive step (IS)	Claims <u>1-18</u>	YES
	Claims _____	NO
Industrial applicability (IA)	Claims <u>1-18</u>	YES
	Claims _____	NO

2. Citations and explanations (Rule 70.7)

1. The device according to claim 1 differs from the device known from US 5 836 465 (D3), considered to be the closest prior art, by virtue of the features of the characterising part.

A device of this type is advantageous in that a flange (as disclosed in document D3, figure 1, reference sign 106) for retaining the tamper-proof ring is no longer required. As a result, the neck of the container can be more simply moulded.

No similar device is found in or obvious from the prior art, and claim 1 is therefore considered to satisfy the requirements of PCT Article 33(2) and 33(3).

- 1.1 Claims 2 to 18 are dependent on claim 1 and, in consequence, likewise satisfy the requirements of the PCT in respect of novelty and inventive step.

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Box No. VII Certain defects in the international application

The following defects in the form or contents of the international application have been noted:

1. The description is not consistent with the claims
(PCT Rule 5.1(a)(iii)).